In the Supreme Court of the United States.

OCTOBER TERM, 1909.

THE UNITED STATES, PLAINTIFF IN ERROR, *v.* PRESS PUBLISHING COMPANY. } No. 925.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

MOTION TO ADVANCE.

An indictment was found March 4, 1909, against the defendant in error in the Circuit Court of the United States for the Southern District of New York under the act of July 7, 1898 (ch. 576, 30 Stats., 717), charging it with the crime of libel committed upon the federal territory of West Point, N. Y., and the post-office building, New York, N. Y., in publishing upon these reservations copies of its papers containing libelous articles defaming William H. Taft, Douglas Robinson, Theodore Roosevelt, William Nelson Cromwell, Charles P. Taft, and others in its accounts of certain alleged transactions connected with the purchase by the United States of the Panama Canal.

The defendant interposed a motion to quash the indictment upon the ground that the court was without jurisdiction of the crime of libel charged in the indictment. The court granted the motion upon the ground that in his construction of the statute the United States had no jurisdiction of the case. An order granting the motion was entered February 25, 1910. The United States sued out a writ of error under the Criminal Appeals Act of March 2, 1907 (34 Stat., 1246), and the term of the court was extended, for the purpose of settling the bill of exceptions by successive orders, until April 30, 1910.

The construction of this statute and the question raised is of great importance, and there are other cases in connection with which the question raised herein will be involved, and for this reason and because of the provisions of the Criminal Appeals Act that cases arising thereunder "shall be diligently prosecuted and shall have precedence over all other cases," the Solicitor-General moves the court to advance the case on the docket and set it down for hearing on a day convenient to the court during the next term.

Notice of this motion has been served upon opposing counsel.

LLOYD W. BOWERS,
Solicitor-General.

MAY, 1910.

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